

WDWA (9/16) Prisoner Waiver of Service of Summons

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KYLE LYDELL CANTY,

Plaintiff

vs.

Case Number: C16-1655-RAJ-JPD

CITY OF SEATTLE et al,

Defendant(s)

WAIVER OF SERVICE OF SUMMONS

To: Deputy Clerk, U.S. District Court for the Western District of Washington

I acknowledge receipt of your request that I waive service of a summons in the above-captioned case. I also have received a copy of the complaint, two copies of this instrument, and a stamped return envelope.

I agree to save the cost of service of a summons and an additional copy of the complaint by not requiring that I, or the entity I represent, be served with judicial process as provided in Federal Rule of Civil Procedure 4. I, or the entity I represent, will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons. I understand that a judgment may be entered against me, or the entity I represent, if an answer or motion under Federal Rule of Civil Procedure 12 is not filed and served upon the plaintiff within 60 days after June 13, 2017.

Date: 7/13/17

Signature: 

Printed/typed name: Sean Culbertson

As _____ of _____

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

Federal Rule of Civil Procedure 4 requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked to waive service of a summons, fails to do so will be required to bear the cost of such service unless the defendant can show good cause for failing to sign and return the waiver.

It is not good cause that the party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction. A party who waives service of the summons retains all defenses and objections (except any related to the summons or to service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who timely returns a signed waiver of service form must serve on the plaintiff a response to the complaint within the time specified on the waiver form. If the response is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.